

Court of Appeals, State of Michigan

ORDER

In re Arbib Estate

Docket No. 282004

LC No. 04-007221-DE

Alton T. Davis
Presiding Judge

Peter D. O'Connell

Bill Schuette
Judges

The Court orders that the motion to affirm is DENIED.

The Court orders that, pursuant to MCR 7.216(A)(5), appellants' motion to remand is GRANTED. The matter is remanded to the probate court to allow petitioners-appellants to file a motion for relief from judgment under MCR 2.612(C) based on the additional evidence they have referenced in their motion to remand.

Within 14 days of the Clerk's certification of this order, petitioners-appellants shall file a motion in the probate court to initiate the remand proceedings. The probate court is to hear and decide the matter within 56 days of the Clerk's certification of this order.

This Court retains jurisdiction in the cause, and the time for proceeding with the appeal in this Court begins upon issuance of an order in the probate court that finally disposes of the remand proceedings. The time for proceeding with the appeal begins 14 days from the date of certification of this order if the motion for relief from judgment is not filed in the probate court within the 14-day period.

Petitioners-appellants are to file with this Court a copy of any motion for relief from judgment filed in the probate court within 14 days of the Clerk's certification of this order. Petitioners-appellants must also file with the Clerk of this Court copies of all orders entered on remand regarding this matter within 14 days after entry.

Petitioners-appellants may file a supplemental brief pertaining to the issues raised on remand within 21 days after the entry of the probate court's order concluding the remand proceedings. Respondents-appellees may file a supplemental brief in response.

Appellees' motion to strike is DENIED with regard to the contents of appellants' motion to remand. Appellants' motion to file a late answer is GRANTED.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

NOV 13 2008

Date

Sandra Schultz Mengel
Chief Clerk